

## **CITY UTILITIES COMMITTEE**

### **MINUTES**

**MARCH 31, 2009**

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, March 31, 2009 at 9:14 a.m.**, in Committee Room #2. The following members were present:

**The Honorable Carla Smith, Chair**  
**The Honorable Ceasar C. Mitchell, Vice-Chair**  
**The Honorable Clair Muller**  
**The Honorable Howard Shook**  
**The Honorable Joyce Sheperd**

The following members were absent:

**The Honorable Natalyn M. Archibong**  
**The Honorable Ivory L. Young, Jr.**

Others present at the meeting were: M. Theresa Stewart, Renee Sheperd, and Stephanie Grant, Law Department; Deputy Commissioners Sheila Pierce and George Barnes, Department of Watershed Management; Commissioner Joseph Basista and Madelyn Grant Department of Public Works; members of the public, press and Council Staff.

Chair Smith called the meeting to order at 9:14 a.m. after declaring a quorum present. She then proceeded with the following order of business.

- A. **ADOPTION OF THE AGENDA - ADOPTED AS AMENDED TO ADD A BRIEF DISCUSSION ON SOLID WASTE AND RECYCLING - JOSEPH BASISTA, DPW COMMISSIONER**
- B. **APPROVAL OF MINUTES - APPROVED**
- C. **COMMENTS FROM THE PUBLIC**

**D. PUBLIC HEARINGS - ORDINANCES FOR SECOND READING**

- 09-O-0479 ( 1)     An Ordinance by Councilmember Kwanza Hall **as substituted by City Utilities Committee** authorizing the **abandonment** of a portion of Morgan Street between North Angier Avenue and an unnamed road consisting of approximately 10,798 square feet and being more specifically described in the attached Exhibit "A", lying and being in Land Lot 18 of the 14<sup>th</sup> District, Fulton County, Georgia; waiving certain provisions of the Code of Ordinances; and for other purposes. **(Public Hearing held 3/31/09)**  
**(Councilmember Smith made a motion to approve on substitute.)**

**FAVORABLE ON SUBSTITUTE**

- 09-O-0480 ( 2)     An Ordinance by Councilmember Kwanza Hall **as substituted and amended by City Utilities Committee** authorizing the **abandonment** of a portion of Dallas Street between Edith Street and an unnamed road consisting of approximately 17,948 square feet and being more specifically described in the attached Exhibit "A", lying and being in Land Lot 18 of the 14<sup>th</sup> District, Fulton County, Georgia; waiving certain provisions of the Code of Ordinances; and for other purposes. **(Public Hearing held 3/31/09)**  
**(Councilmember Shook made a motion to approve on substitute.)**

**FAVORABLE ON SUBSTITUTE AS AMENDED**

**E. ORDINANCES FOR SECOND READING**

- 09-O-0402 ( 1)     An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2009 Budget (Water and Wastewater Renewal and Extension Fund (5058-2J28)-Commercial Paper, Series I) in the amount of \$800,000.00 to transfer funds from the Capital Projects Reserve for Appropriations and to add to appropriations funds for the South River Tunnel and Pumping Station; and for other purposes.  
**(Councilmember Shook made a motion to approve as amended.)**

**FAVORABLE AS AMENDED**

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**ORDINANCES FOR SECOND READING (CONT'D)**

- 09-O-0403 ( 2)     An Ordinance by City Utilities Committee authorizing the Mayor to execute a Franchise Renewal Agreement with NextG Networks of NY, Inc. d/b/a NextG Networks East, to provide telecommunications services using public right-of-way; specifying the compensation due to the City of Atlanta by the Franchise Agreement; and for other purposes.  
**(Councilmember Smith made a motion approve.)**

**FAVORABLE - 2<sup>nd</sup> READING, 1<sup>st</sup> ADOPTION**

- 09-O-0500 ( 3)     An Ordinance by Councilmember Ceasar C. Mitchell to transfer \$18,000.00 from Post 1-At-Large Councilmember Expense Account to the Department of Public Works to be used to assist in funding the Cahaba Drive Walking Path Project; and for other purposes.  
**(Councilmember Mitchell made a motion to approve on condition.)**

**FAVORABLE ON CONDITION**

**F.     RESOLUTIONS**

- 09-R-0511 ( 1)     An **Amended** Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** with Arcadis/Brindley, Pieters Associates, a Joint Venture, for FC-7619-03A, Annual Contract for Architectural and Engineering Services, for the Peachtree Road/Peachtree Battle Intersection Improvement Project on behalf of the Department of Public Works in an amount not to exceed \$95,770.00; with all contracted work being charged to and paid from Fund 3138 (2008 Quality of Life Bond Fund) Department 130308 (DPW Transportation Design) Account 5414002 (Fac other than Building/Infra/CIP) Function Activity 4270000 (Traffic Engineering) and PTAE0 Funding Source 13102120 103 313821776 5414002 COA; and for other purposes.  
**(Councilmember Muller made a motion to approve as amended.)**

**FAVORABLE AS AMENDED**

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**RESOLUTIONS (CONT'D)**

- 09-R-0512 ( 2)     A **Substitute** Resolution by City Utilities Committee authorizing the Mayor to enter into an appropriate agreement with Thorpe Building Services, Inc., for FC-4843, Annual Contract for Security Guard Services on behalf of the Department of Watershed Management in an amount not to exceed \$6,031,134.72; all contracted work shall be charged to and paid from Fund Department Organization Number: 5051 (Water & Wastewater Revenue Fund) 170901 (DWM Office of Watershed Security) 5212001 (Consulting/Professional Services) 3920000 (Emergency Management); and for other purposes.  
**(Councilmember Shook made a motion to approve on substitute.)**

**FAVORABLE ON SUBSTITUTE**

- 09-R-0513 ( 3)     A Resolution by City Utilities Committee authorizing the Mayor to enter into an appropriate contractual agreement with Western Summit Constructors, for FC-4770, Hemphill Finished Water Pumping Station on behalf of the Department of Watershed Management, in an amount not to exceed \$18,934,000.00; that all contracted work shall be charged to and paid from Project Task Award Expenditure Organization and Account Number 17110396.101.505821445.5414002.COA and Fund Department Organization and Account Number: 5058 (2004 Water & Wastewater Bond Fund) 170403 (DWM Drinking Water Operational Support) 5999999 (Projects and Grants Budget-Summary) 4440000 (Distribution); and for other purposes.  
**(Councilmember Shook made a motion to approve.)**

**FAVORABLE**

**RESOLUTIONS (CONT'D)**

- 09-R-0514 ( 4)     An **Amended** Resolution by City Utilities Committee authorizing the Mayor to enter into Amendment Agreement No. 3 with Desmear Systems, Inc., for FC-3006007928 Construction Services for Sidewalk Improvement Projects, on behalf of the Department of Public Works in an amount not to exceed \$387,532.95; with all contracted work being charged to and paid from Various Fund and PTAE0 Funding Sources; and for other purposes.  
**(Councilmember Shook made a motion to approve as amended.)**

**FAVORABLE AS AMENDED**

- 09-R-0515 ( 5)     An **Amended** Resolution by City Utilities Committee authorizing the Mayor to enter into Amendment Agreement No. 3 with Shaheed's Construction, for FC-3007000005 Construction Services for Sidewalk Improvement Projects, on behalf of the Department of Public Works in an amount not to exceed \$602,812.16; with all contracted work being charged to and paid from Various Fund and PTAE0 Funding Sources; and for other purposes.  
**(Councilmember Shook made a motion to approve as amended.)**

**FAVORABLE AS AMENDED**

**G.     PAPERS HELD IN COMMITTEE**

- 06-O-0937 ( 1)     An Ordinance by Councilmember Clair Muller **as substituted by City Utilities Committee** to amend Article VII of Chapter 74 entitled "*Riparian Buffer Requirements*"; to officially change the administrating Department to Watershed Management, to streamline the review process and clarify the Public Notice Requirements; and for other purposes. **(Referred by back Council 10/20/08) (Held 10/28/08 at the request of the author)**

**HELD**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 07-R-1214 ( 2)      A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** to Jacobs/PRAD/PBS & J, Joint Venture, for FC-7619-03D, Annual Contract for Architectural and Engineering Services, White Paper Study for the Policy Level Analysis of Security Options for Drinking Water Assets, in an amount not to exceed \$48,250.48; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J01 (Water & Wastewater Revenue Fund) 524001 (Consultant/Professional Services) Q12001 (Watershed Security); and for other purposes. **(Held 6/12/07 at the request of Councilmember Shook for further review.)**

**HELD**

- 07-O-1521 ( 3)      An Ordinance by Councilmember Natalyn M. Archibong to amend Chapter 138 of the Code of Ordinances of the City of Atlanta so as to create a new Article VIII to be entitled "Outdoor Dining Areas"; to amend Article II of Chapter 138 so as to create a new Division 8 to be entitled "Outdoor Dining Areas"; to establish procedures for the authorization of restaurants that wish to provide Outdoor Dining Services; and for other purposes. **(Held 7/31/07) (Work sessions held 9/13/07 & 10/12/07)**

**HELD**

- 07-O-2505 ( 4)      An Ordinance by Councilmembers Howard Shook, H. Lamar Willis, Mary Norwood, Joyce Sheperd, Anne Fauver, Natalyn M. Archibong, Clair Muller, Caesar C. Mitchell and Ivory L. Young, Jr. **as amended by City Utilities Committee** amending Section 130-84 (Rates and Charges) of the Code of Ordinances of the City of Atlanta for the purpose of eliminating the Solid Waste Frontage Fee; and for other purposes. **(Amended and held 11/27/07 for further review.)**

**HELD**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 07-O-2604 ( 5)     An Ordinance by Councilmember Clair Muller to amend Part 15, Section 15-09.004 of the City's Land Subdivision Ordinance in the City of Atlanta's Code of Ordinances for the purpose of defining sanitary sewer connection requirements for Land Subdivisions; and for other purposes. **(Held 12/11/07 for further review.)**

**HELD**

- 07-O-2605 ( 6)     An Ordinance by Councilmember Clair Muller to amend Chapter 154, Utilities, Article IV, Sewer Construction and Assessments, Division 1 of the City Code of Ordinances for the purpose of defining Sanitary Sewer Connection Requirement; and for other purposes. **(Held 12/11/07 for further review.)**

**HELD**

- 08-O-0481 ( 7)     An Ordinance by City Utilities Committee amending the 2008 (1994, 1997 G. O. Public Improvement Bond Fund) Budget by transferring from and to appropriations in the amount of \$2,023,948.81, to fund the Assets Management and Improvement Program; and for other purposes. **(Held 4/1/08 for further review.)**

**HELD**

- 08-O-1000 ( 8)     An Ordinance by Committee on Council to amend Chapter 154, Article II (Entitled "Water and Sewer Billing and Collection Procedures"), Section 154-26 of the Code of Ordinances of the City of Atlanta, so as to revise Subsection 154-26(d) which contains maximum yearly term requirements of the Water and Sewer Appeals Board at variance with provisions set out at Section 2-1854 of the Code of Ordinances that establishes terms of Office for Boards and Commissions; to waive conflicting ordinances; and for other purposes. **(Held 5/13/08 for further review.)**

**HELD**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 08-O-1213 ( 9)     An Ordinance by Councilmembers Clair Muller and Ceasar C. Mitchell to amend Chapter 130, Solid Waste Management Division 1, Section 130-37(b)(6) by deleting subsection (d). **(Held 6/10/08 at the request of the author for further review by the Department of Public Works.)**

**HELD**

- 08-O-1215 (10)     An Ordinance by Councilmembers Clair Muller and Ceasar C. Mitchell requiring the initiation of a Pay-As-You-Throw or Volume-Based Billing Collection Program for Solid Waste Services in the City of Atlanta. **(Held 6/10/08 at the request of the author for further review by the Department of Public Works.)**

**HELD**

- 08-O-1217 (11)     An Ordinance by Councilmember Clair Muller eliminating "Front Footage" billing on Solid Waste Services Bill and adding to the bill an amount for "Common Good Services" citywide for right-of-way cleaning where needed. **(Held 6/10/08 at the request of the author for further review by the Department of Public Works.)**

**HELD**

- 08-R-1445 (12)     A Resolution by Councilmember Carla Smith authorizing payment of stipulated penalties imposed by the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) in the amount of \$\_\_\_\_\_ as stipulated penalties for the violation of CSO Fecal Coliform Operational Standards \_\_\_\_\_ pursuant to the CSO Consent Decree, Civil Action File No. 1:95-CV-2550-TWT; to identify the source of funding; and for other purposes. **(Held 7/15/08) (Dummy paper)**

**HELD**



**PAPERS HELD IN COMMITTEE (CONT'D)**

- 08-O-1689 (13) An Ordinance by Councilmember Carla Smith authorizing a new appraisal for the purchase by the City of a twelve foot (12') strip of land along the rear property line of 1144 and 1200 Avondale Avenue, lying and being in Land Lot 23 of the 14<sup>th</sup> District, Fulton County, Georgia; and for other purposes. **(Held 8/26/08 for further review)**

**HELD**

- 08-O-2139 (14) An Ordinance by Councilmembers Mary Norwood and Carla Smith to amend the City of Atlanta Code of Ordinances, Part 154, Division IV, Section 154-297, to recoup the cost to the City of Enforcement of the Grease Management Ordinance; to clarify the permit process; and for other purposes. **(Held 10/28/08 at the request of the author)**

**HELD**

- 08-R-2162 (15) A Resolution by City Utilities Committee authorizing the Mayor on behalf of the City of Atlanta, to enter into a Memorandum of Understanding, with the Georgia Department of Transportation, for Project Management, Preliminary Engineering Design Activities and Construction and the acquisition of rights-of-way of certain improvements, for Transportation Enhancement Project No. CSTE-0009-00(023), East Atlanta Sidewalks, Fulton County; and for other purposes. **(Held 11/10/08 at the request of the Department of Public Works.)**

**HELD**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 08-R-2163 (16) A **Substitute** Resolution by City Utilities Committee authorizing the Mayor to enter into a Lease Agreement with LAZ Parking Limited, LLC, for FC-4896, Parking Services, on behalf of the Department of Watershed Management; for the lease of real property at 135 Forsyth Street, SW; in an amount not to exceed \$156,000.00; providing the terms of such agreements, directing the City Attorney to prepare and approve as to form all necessary documents; all contracted services shall be charged to and paid from Fund, Department Organization and Account Numbers 5051 (Water & Wastewater Revenue Fund) 170704 (DWM Office of Administration Deputy Commissioner) 5223103 (Operating Lease/Rental-Buildings) 1511000 (General Supervision); and for other purposes. **(Councilmember Sheperd made a motion to approve on substitute.)**

**FAVORABLE ON SUBSTITUTE**

- 08-R-2419 (17) A Resolution by City Utilities Committee authorizing the Mayor to enter into an appropriate contractual agreement with, \_\_\_\_\_, for FC-4750 Automation of Hemphill Chattahoochee Water Treatment Plants on behalf the Department of Watershed Management, in an amount not to exceed \_\_\_\_\_ that all services for said contracted work shall be charged to and paid from \_\_\_\_\_ (to built by Finance Department); and for other purposes. **(Held 12/9/08 for further review.)**

**HELD**

- 09-O-0214 (18) An Ordinance by City Utilities Committee rescinding 97-O-1090 which abandoned Gaither Circle, NE between Cheshire Bridge Road, NE and Wellbourne Drive, NE, all lying and being in Land Lot 50 of the 17<sup>th</sup> District, Fulton County, Georgia; and for other purposes. **(Held 2/24/08 for a Public Hearing)**

**HELD**

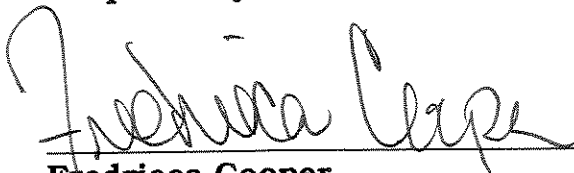
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**H. REQUESTED ITEM**

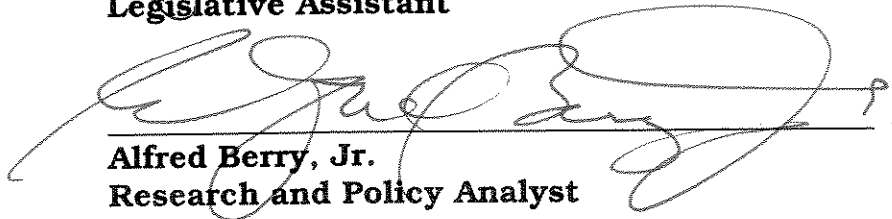
1. Councilmember Muller requested the Department of Watershed Management present to the committee a discussion on storm water at some date in the future.

**There being no further business to come before the Committee, the meeting was adjourned at 10:25 a.m.**

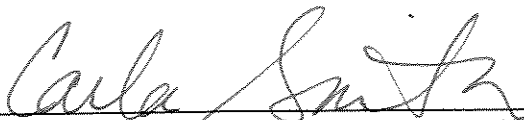
**Respectfully Submitted:**



**Fredriecca Cooper  
Legislative Assistant**



**Alfred Berry, Jr.  
Research and Policy Analyst**



**The Honorable Carla Smith, Chair  
City Utilities Committee**